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09/739,938	12/18/2000	Robert Rosin	SONYA-56320	6083

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EXAMINER
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HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,938

Applicant(s)

ROBERT ROSIN

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 57-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-73, 75-102 and 105-108 is/are rejected.
- 7) ☐ Claim(s) 74 and 103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/9/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This Office Action is in response to the AMENDMENT entered on October 28, 2004 for the patent application number 09/739,938 09/427,680) filed on December 18, 2000.

### **Priority**

2. The patent application claims priority from US Application number 09/201,020 filed November 20, 1998.

### **Status of the claims**

3. Claims 1-56 previously canceled by the applicant, and the remaining claims 57-108 are examined herein as follows.

4. The Information Disclosure Statement submitted on September 9, 2004 is considered and entered into the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 57-75, 77-93, 95-102, and 104-108 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al (US Pat No 6,268,849).

Boyer discloses an Internet television program guide system that allows a user at a multimedia system to access television program listings containing embedded real-time data over an Internet communication link.

With regard to claim 57:

Boyer discloses a system, Internet television program guide system for enabling a user to select among and access one of a plurality of Internet websites and television programs (see Abstract).

The system comprising a graphical user interface (e.g., Internet television program guide, Figs. 2 through 14). The graphical user interface includes means for enabling selection (e.g., mouse cursor) of and access (e.g., Internet links formed from telephone lines, radio-frequency (RF) links, cable modem links, etc) to one of a plurality of Internet websites (column 5, lines 1-44).

The graphical user interface further includes means for enabling navigation (e.g., using a pointing to select channel) of and one or more television channels (column 6, lines 23-46).

The graphical user interface includes means for enabling selection of and access to one of an array of web channels upon actuating (e.g., using a pointing) the Internet

website selection-access enabling means (e.g., using a pointing), wherein each web channel includes a plurality of selectable categories associated with the web channel, and a plurality of selectable Internet websites related to and associated with each selectable category (column 10, lines 41-column 11, lines 24).

The graphical user interface further includes means for enabling customization (e.g., adding or removing channel using a pointing device) of at least one of the array of web channels upon actuating the web channel selection-access enabling means so as to enable selection of one of the plurality of selectable categories (Fig. 13) associated with the web channel, and one of the plurality of selectable Internet websites related to and associated with each selectable category (column 6, lines 47-column 7, lines 40).

With regard to claim 58:

The graphical user interface further includes a web channel guide, in which the array of the web channels is presented (e.g., Figs. 9, 14, etc).

With regard to claim 59:

The Internet television program guide system comprising a plurality of web channel buttons (e.g., Figs. 11, and 14), each of which is adapted to be associated with one of the array of the web channels.

With regard to claim 60:

The Internet television program guide system further comprising means for enabling the user to customize the at least one of the plurality of Internet websites associated with each of the array of the web channels (column 6, lines 23-column 7, lines 40).

With regard to claim 61:

The Internet television program guide system further comprising means for enabling the user to navigate among the array of the web channels (e.g. pointing device, column 6, lines 23-36).

With regard to claim 62:

The Internet television program guide system further comprising means for displaying the graphical user interface (e.g. display device, Fig. 1).

With regard to claim 63:

The Internet television program guide system further comprising means for identifying the web channel being presented, upon presenting the web channel (e.g., station name, logo, or channel number, Fig. 11).

With regard to claim 64:

The Internet television program guide system further comprising means for enabling the associating means (e.g., via web browser) to access an Internet website selected by the user (column 5, lines 59-column 6, lines 22):

With regard to claim 65:

The Internet television program guide system further comprising a client device (user device or multimedia computer systems 72-76, Fig. 1), including an Internet browser for enabling access to and retrieval of the plurality of the Internet websites (column 5, lines 45-column 6, lines 22).

With regard to claim 66:

The Internet television program guide system further comprising means for enabling the user to navigate among the plurality of the Internet websites associated with each of the plurality of the web channels (e.g., browser), and to obtain access to each of the plurality of the associated Internet websites (column 5, lines 45-column 6, lines 22).

With regard to claim 67:

The Internet television program guide system further comprising means for enabling the displaying of the web channel guide (e.g., user display device, Fig. 1) wherein the displaying enabling means are further adapted to enable the displaying of the plurality of the associated Internet websites (e.g., see the multiple web pages displayed in Figs. 9, 11, and 14).

With regard to claim 68:

The Internet television program guide system further comprising a client device (e.g., user's device, Fig. 1) and means for enabling a plurality of the Internet websites associated with the plurality of the web channels to be downloaded (e.g., downloading via browser, column 6, lines 23-46) and stored in the client device.

With regard to claim 69:

The Internet television program guide system further comprising that each of the plurality of the web channels comprises one of a plurality of the Internet websites commonly accessed by the user (e.g., column 5, lines 59-column 6, lines 4, Figs. 9, 11, 12, and 14).

With regard to claim 70:

The Internet television program guide system further comprising that each of the plurality of the Internet websites comprises one of the plurality of the Internet websites selected for the user (e.g., column 10, lines 41-column 11, lines 8).

With regard to claim 71:

The Internet television program guide system further comprising that the plurality of the Internet websites associated with each of the plurality of the web channels comprises a group of the Internet websites categorized for the user based on content (e.g., column 10, lines 41-column 11, lines 24).

With regard to claim 72:

The Internet television program guide system further comprising customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels (as illustrated in Fig. 8, user of the system would be able to customize his TV Viewing preference using several customizing buttons, such as customizing by time, by channel, and by category (column 8, lines 39-62).

With regard to claim 73:

The Internet television program guide system further comprising that the customization enabling means include a plurality of category buttons (e.g., Fig. 13), adapted to be associated with each of the array of the web channels (column 10, lines 65-column 11, lines 24).

With regard to claim 75:



The Internet television program guide system further comprising that each of the plurality of the web channel buttons includes a web channel number, and a web channel title representing the associated Internet website (see Figs. 9, 11, 12 and 14).

With regard to claim 77:

The Internet television program guide system further comprising that the navigating enabling means comprise a keyboard which includes function keys for enabling navigating among the web channels (e.g., user's multimedia computer comprises a keyboard, which includes function keys Fig. 1).

With regard to claim 78:

The Internet television program guide system further comprising that the navigating enabling means comprise a mouse device (column 6, lines 23-36).

With regard to claim 79:

The Internet television program guide system further comprising that the navigating enabling means include means for enabling the user to move up and down (see back and forward buttons 226, Fig. 2, or up and down scroll buttons 626 and 628 respectively, column 9, lines 29-46) among the web channels.

With regard to claim 80:

The Internet television program guide system further comprising that the navigating means include means for enabling direct access (e.g., Internet links, column 5, lines 21-30) to a selected one of the web channels.

With regard to claim 81:

The Internet television program guide system further comprising that the displaying means comprise a display monitor (e.g. user devices comprises monitors, Fig. 1).

With regard to claim 82:

The Internet television program guide system further comprising that the displaying means comprise a television display (e.g. one of the user devices comprises TV monitor, Fig. 1).

With regard to claim 83:

The Internet television program guide system further comprising that the web channel identifying means comprise a guide strip, adapted to be presented upon presenting the web channel (e.g., title bar 806, contains information identifying the currently selected channel, column 10, lines 63-64).

With regard to claim 84:

The Internet television program guide system further comprising that the access enabling means comprises a digital cable system (column 5, lines 21-30).

With regard to claim 85:

The Internet television program guide system further comprising that the access enabling means comprises a telephone modem (column 5, lines 21-30).

With regard to claim 86:

The Internet television program guide system further comprising that the access enabling means comprises a digital broadcast satellite system (column 5, lines 21-30).

With regard to claim 87:

The Internet television program guide system further comprising that the access enabling means comprises a web server (e.g. web server 55, column 5, lines 21-30).

With regard to claim 88:

The Internet television program guide system further comprising customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels (as illustrated in Fig. 8, user of the system would be able to customize his TV Viewing preference using several customizing buttons, such as customizing by time, by channel, and by category (column 8, lines 39-62).

With regard to claim 89:

The Internet television program guide system further comprising that each of the plurality of category buttons includes a plurality of Internet website buttons, each of which is adapted to be associated with one of the plurality of selectable Internet websites (e.g., Fig. 13, column 10, lines 65-column 11, lines 24).

With regard to claim 90:

The Internet television program guide system further comprising means for enabling at least one of the plurality of Internet websites to be downloaded and stored in the client device (column 2, lines 43-48).

With regard to claim 91:

The Internet television program guide system further comprising that each of the plurality of the web channel buttons includes a uniform resource locator representing the associated Internet website (column 5, lines 59-column 6, lines 22).

With regard to claim 92:

The Internet television program guide system further comprising that the guide strip is adapted to include a web channel number, and a web channel title representing the associated web channel (column 10, lines 63-64).

With regard to claim 93:

The Internet television program guide system further comprising that each of the Internet website buttons includes an Internet website title representing the associated Internet website (e.g., see Figs. 9, 11, 12, and 14).

With regard to claim 94:

Boyer also discloses a method of enabling a user to select among and access one of a plurality of Internet websites and one or more television channels, within the described system as cited in rejecting claim 57. The method, the Internet television program guide method includes limitation that corresponds generally to independent system claim 57 and recites similar features in method form, and therefore is rejected under the same rational.

With regard to claim 95:

The graphical user interface further includes a web channel guide, in which the array of the web channels is presented, and web channel display enabling further comprises enabling the displaying of the web channel guide (e.g., see Figs. 9, 11, 12, and 14).

With regard to claim 96:

The Internet television program guide method further comprises a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels, and web channel display enabling further comprises enabling the displaying of the plurality of the web channel buttons (see Figs. 9, 11, 12, and 14).

With regard to claim 97:

The Internet television program guide method further comprises that that each of the array of the web channels is adapted to be associated with a plurality of the Internet websites (column 5, lines 59-column 6, lines 22), and web channel display enabling further comprises enabling the selection of one of the plurality of the Internet websites associated with each of the array of the web channels (column 9, lines 29-45).

With regard to claim 98:

The Internet television program guide method further comprises that the system further comprises means for enabling the user to navigate among the array of the web channels, and the method further comprises enabling the user to navigate among the array of the web channels (column 9, lines 29-45).

With regard to claim 99:

The Internet television program guide method further comprises means for displaying the graphical user interface (e.g., user display device, Fig. 1), and the method further comprises displaying the graphical user interface (Figs. 9 -14).

With regard to claim 100:

The Internet television program guide method further comprises means for identifying the web channel being presented upon presenting the web channel (e.g., see

the displayed logo, name of the channel, in Figs. 9, 11, 12, and 14), and the method further comprises presenting a web channel and identifying the web channel being presented (e.g., see the displayed logo, name of the channel, in Figs. 9, 11, 12, and 14).

With regard to claim 101:

The Internet television program guide method further comprises means for enabling the associated means to access an Internet website selected by the user (via selecting http or URL name via browser, column 5, lines 59-column 6, lines 22), and the method further comprises enabling the associating means to access an Internet website selected by the user (selecting http or URL name via the browser, column 5, lines 59-column 6, lines 22).

With regard to claim 102:

The Internet television program guide method further a client device (e.g., Fig. 1), including an Internet browser for enabling access to and retrieval of the plurality of the Internet websites, and the method further comprises enabling the Internet browser to access and retrieve the plurality of the Internet websites column 6, lines 23-62).

With regard to claim 104:

Independent claim 104 is rejected for reasons similar to those given for the rejection of claim 57.

With regard to claims 105 through 109:

These Independent claims are rejected for reasons similar to those given for the rejection of claim 94.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (US Pat No 6,268,849) in view of Boyer et al (US Pub no 2003/0066085).

With regard to claim 76:

While Boyer ('849) discloses other user interface devices comprising keyboard, and pointing devices as a navigation enabling means, but Boyer ('849) does not mention a remote control device as a navigation enabling means. However, Boyer ('2003/0066085) discloses several navigating enabling means comprising a remote control device (paragraph 62).

Both Inventions of Boyer are directed to the same invention, that is interactive programming.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the remote control device of Boyer ('0066085) with interface device of Boyer ('849) because user of the system will have a choice of Suitable user interfaces devices.

Therefore, it would have been obvious to combine the two inventions of Boyer's to obtain the invention as specified in claim 76.

***Allowable Subject Matter***

7. Claims 74 and 103 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of records does not expressly describe "... wherein the Internet website access enabling means comprise a guide button, the web channel access enabling means comprise a web channel guide window, adapted to be accessed upon actuation of the guide button, including an array of web channel buttons, each associated with a web channel and adapted to be actuated to enable access to the associated web channel, and an array of customization buttons, each associated with one of the array of web channel buttons, and the customization enabling means comprise an Internet program guide window, adapted to be accessed upon actuating one of the array of customization buttons, including an array of selectable category buttons, and an array of website buttons associated with each category button, wherein web channel selection and Internet website access comprise actuating the guide button to access the web channel guide window and actuating a selected web channel button, and web channel customization enabling comprises actuating a customization button to access the Internet program guide window, and actuating a selected category button to select an associated website button."

**CONCLUSION**

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-



Art Unit: 2173

4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu  
Art Unit 2173  
12/29/04

A handwritten signature in black ink, appearing to read "Tadesse Hailu", written in a cursive style.